

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 27617 of 2004(K)

PETITIONER:

1. P.J. ABRAHAM, KAINADY LAYOUT,
FLORICAN ROAD, CALICUT.
2. JOBY ABRAHAM, S/O. P.J. ABRAHAM,
KAINADY LAYOUT, FLORICAN ROAD,
CALICUT.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.
2. EXECUTIVE ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL DIVISION,
BALUSSERY.
3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL MAJOR SECTION, THAMARASSERY.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

P1 SERIES: TRUE COPY OF BILL DT.13.1.2003 AND PREVIOUS SIX MONTHS BILLS ISSUED TO CONSUMER NOS.3866 AND 3867.

P2: TRUE COPY OF PENALTY BILL DT.28.2.2003 ISSUED TO CONSUMER NO.3866.

P3: .DO. NO.3867.

P4: TRUE COPY OF SITE MAHAZAR DT.25.1.2003 PREPARED BY SUB ENGINEER, ELECTRICAL SECTION, THAMARASSERY.

P5: TRUE COPY OF BOARD ORDER DT.15.1.2003.

P6: TRUE COPY OF APPEAL DT.5.3.2003 FILED BEFORE R2.

P7: TRUE COPY OF JUDGMENT DT.10.3.2003 IN O.P. NO.8116/2003.

P8: TRUE COPY OF PAYMENT RECEIPT DT.12.5.2003 FOR AN AMOUNT OF RS.54,267/-.

P9: TRUE COPY OF ORDER DT.5.8.2004 PASSED BY R2.

P10: TRUE COPY OF REVISED PENALTY BILL AND DEMAND OF BALANCE AMOUNT OF RS.34,594/- AS PER THE REVISED CALCULATION IN RESPECT OF CONSUMER NO.3866.

P11: .DO. AND REFUNDABLE BALANCE AMOUNT OF RS.1,063/- .DO. NO.3867.

P12: TRUE COPY OF REPRESENTATION DT.24.3.2003 FILED BY 1ST PETITIONER BEFORE R3.

P13: .DO. 8.5.2003 BEFORE R2.

P14 SERIES: TRUE COPY OF MONTHLY INVOICES DT.10.3.2004, 17.5.2004, 16.7.2004 IN RESPECT OF CONSUMER NO.3866.

P15 SERIES: .DO. .DO. NO.3867.

P16: TRUE COPY OF ELECTRICITY BILL DT.11.9.2004 IN RESPECT OF CONSUMER NO.3866 FOR AN AMOUNT OF RS.4,327/-.

P17: .DO. NO.3867 .DO. RS.2,452/-.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.27617 of 2004
.....

Dated this the 9th day of August, 2007.

JUDGMENT

The petitioners are father and son who had taken two separate electrical connections in the two buildings owned by them in November 1998. When inspection was conducted by KSEB on 25.1.2003 they found that the buildings were used for letting out as a tourist home. Petitioners have denied the same and stated that the use as tourist home is only an interference made by respondents from the name given to the building as "Skyline Retreat". The original bills raised were for Rs.1,62,184/- and Rs.18,708/- respectively. However, on appeal, the appellate authority modified the disputed bills and reduced the demand to Rs.83,249/- and Rs.4,549/- respectively. Even though there is no scope for this court conducting enquiry at this distance of time as to nature of use of the building, I feel petitioners can be granted some reduction because the connected load itself is 2 KW in one connection which is inadequate to run a tourist home. In the circumstances, I grant a reduction by modifying the revised bill Ext.P10 issued pursuant to order in appeal by reducing the liability from Rs.83,249/- to rupees fifty thousand. Ext.P11 bill will

remain as such. The petitioner will be given consequential relief based on Ext.P10 on production of copy of this judgment. In view of the contentions raised by petitioners, there will be direction to the KSEB to conduct inspection about connected load and apply appropriate tariff and if petitioner is entitled to domestic tariff, petitioner will be given the same.

C.N.RAMACHANDRAN NAIR
Judge

pms